

**THE LABOR COMMISSION
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Wednesday, July 9, 2014 – 12:00 P.M.
Utah Labor Commission Offices – Room 319
Salt Lake City, Utah**

The following Advisory Council members were in attendance:

Dennis Lloyd, Workers Compensation Fund (for Ray Pickup)
Edward Holmes, M.D., Summit View Medical
K. Dawn Atkin, Esq., Atkin & Associates
Kathy Archuleta, Utah Dept of Insurance
Dave Davis, President, Utah Food Industry Association
Reo Castleton, President, SL Cnty Fire Dept Local 1696
David Bird, Esq., Parsons Behle and Latimer
Brian Kelm, attorney

The following Advisory Council members were excused:

Rep. Jim Dunnigan
Kathleen Bissell, Liberty Mutual
Brandt Goble, Painters and Tapers Local 77
Brandon Dew, Central Utah Federation of Labor
Todd Bingham, President, Utah Manufacturers Association
Sen. Karen Mayne
Jeff Rowley, Salt Lake County
Rich Thorn

Others Present:

Sherrie Hayashi, Commissioner
Jaceson Maughan, Deputy Commissioner
Tonya Gallegos, Deputy Director, Division of Industrial Accidents, Labor Commission
Sara Danielson, Utah Labor Commission, Administrative Assistant
David Lamb, Utah Labor Commission, Administrative Services Director
Julie Clark
Stan Mead
Jennifer Gren, Utah Labor Commission, Adjudication Division
Brian Stewart, Utah Labor Commission, Adjudication Division, ALJ
Lene O'Dell, Sedgwick
Ty Barrett
Clarissa Crisp, UBIC
Allison Schreiba, UBIC
Kristine Parkinson, S&C Claims
Susie McCarty, MTA
Shane Lindsey, TLG
Jeremy Biggs, Utah Labor Commission, Adjudication Division, Medical Director
Vickie Panek, Talent Management Group

WELCOME

Welcome –Commissioner, Sherrie Hayashi brought the meeting to order at 12:05 p.m.

Miscellaneous Business – Commissioner

Commissioner Hayashi presented the minutes of the last meeting and asked for comments. Dave Davis moved to approve the minutes as written. Brian Kelm seconded the motion. Voting was unanimous in the affirmative.

Advisory Council Representative Reappointments

Commissioner Hayashi presented the names of the following council members that have agreed to serve another term on the council: Todd Bingham, Dave Davis, Dawn Atkin, Brian Kelm, Brandt Goble, and Dr. Ed Holmes. Dave Bird moved to approve the reappointments. Reo Castleton seconded the motion. Voting was unanimous in the affirmative.

Adjudication Updates

Brian Stewart, ALJ, presented an update on the coordination of benefits between private insurance carriers and workers compensation carriers. He distributed a handout showing the new Application for Hearing. He stated that the private insurance carrier would be notified of the workers compensation claim, but that they would not be a party to the claim. He stated that if the claim is determined to be covered under workers compensation, the workers compensation carrier has 15 days to reimburse the private carrier and the injured worker for any out of pocket expenses with 8% interest.

Dr. Jeremy Biggs introduced himself as the Medical Director for the Adjudication Division. He will be working on training for medical panel members and recruiting more panel members particularly in Southern Utah.

Labor Commission Budget/Premium Surcharge Funds

Dave Lamb distributed summary spreadsheets for the UEF, ERF, IARA, and the Workplace Safety Accounts. He highlighted certain aspects of the finances for each fund. He stated that collections are up from the Tax Commission. He also mentioned that the actuary will make his presentation at the September council meeting. He mentioned that the workers compensation waiver program will be reviewed to verify that the fee being charges is covering the costs.

Dave Davis asked for an update on the RFI relating to the transfer of ERF liability to an outside source. Discussion was held. Commissioner Hayashi stated that the RFI should be out and back to the Commission by the end of 2014, so that legislation could be presented during the 2015 session.

Talent Industry

Vickie Panek and Susie McCarty presented their request for an exemption for talent agencies from the workers compensation system for the talent that they represent. Discussion was held. The feeling of the Council was that the talent represented are independent contractors and are already out of the system.

Other Business

Commissioner Hayashi stated the next scheduled meeting for the Council would be on September 10, 2014 at noon.

Dennis Lloyd mentioned that Senator Mayne is sponsoring a bill that would require that any company bidding on a state contract have a safety program.

Dawn Atkin moved to adjourn the meeting. Reo Castleton seconded the motion. Voting was unanimous in the affirmative.

Meeting adjourned at 1:57 pm.